

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52013-2022 (O&M)
Date of decision: 14.11.2022

Gurwinder Singh

... Petitioner

Vs.

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.99 dated 20.05.2022 under Sections 22 & 29 of NDPS Act, registered at Police Station Sultanpur Lodhi, District Kapurthala.

Learned counsel for the petitioner submits that the FIR was registered at the instance of ASI Bhupinder Singh, who arrested one Sona Singh and effected recovery of 225 grams of intoxicant powder and 15 syringes from him. It is further submitted that father of Sona Singh had given a complaint to the police officials, a day prior to registration of the FIR, apprehending false implication and thereafter, he also moved an application before the trial Court directing the SHO to preserve the CCTV footage of Police Station Sultanpur Lodhi, as defence set up by Sona Singh is that he was

arrested from his house. It is also submitted that the petitioner was nominated in the FIR on the basis of disclosure statement of said Sona Singh and he has no such history of involvement in any other case under NDPS Act.

Notice of motion.

On asking of the Court, Mr. Navneet Singh, DAG, Punjab accepts notice on behalf of the respondent-State and on instructions from ASI Kashmir Singh, could not dispute the fact that the petitioner is not involved in any other case under NDPS Act and he is nominated in the FIR on the basis of disclosure statement of co-accused Sona Singh, from whom alleged recovery was effected.

After hearing learned counsel for the parties and considering the fact that only evidence against the petitioner is disclosure statement of co-accused Sona Singh, therefore, in view of judgment of the Hon'ble Supreme Court in **Tofan Singh Vs. State of Tamil Nadu, 2013(4) RCR (Criminal) 631**, it will be a debatable issue whether the disclosure statement made by co-accused is admissible against the petitioner or not, this petition is allowed and the petitioner is granted the concession of anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

14.11.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No